

Application No.: 09/827,614
Amendment dated: September 10, 2003
Reply to Office Action of: October 17, 2002

REMARKS

This amendment is responsive to the Office Action dated October 17, 2002, and is submitted along with a Petition to Revive.

Claims in this case remain 29-52, which have been cosmetically amended. A Terminal Disclaimer is being filed herewith, disclaiming any period exceeding the period of the U.S. Patent No. 5,255,309, the earliest of the related patents. Accordingly, the rejection of the claims under the doctrine of double patenting is deemed to be overcome.

Regarding the rejection of the claims 29-52 based on art, reconsideration is respectfully requested as set forth below.

Applicant appreciates Examiner's acknowledgement of distinctions between the claims and the references of record. However, it is submitted that additional distinctions exist which further afford a basis for patentability. Specifically, reference is to the following recitations: "caller data signals representative of data relating to the individual callers provided from the remote terminals," "use in the select format," "isolating a subset of callers" and "further processing data with respect to the isolated callers" (claim 29), all as treated in detail below.

Addressing the art, Gordon discloses a pay-per-view system wherein called 800 numbers identify a selected television presentation and calling numbers indicate the destination of the presentation and the billing. Calling numbers are verified for entitlement. Additionally, as referenced in the Office Action, the processor 205 may "perform verification on a dial-up basis of billing information supplied by a customer when notified that he/she is not entitled to the requested service" (column 8, lines 21-24). Although the sentence does indicate a form of processing, the indication is void of: any format suggestion, or any processing of digital input data, and merely suggests alternative verification. Thus, the final element of Applicant's claim 29 clearly distinguishes Gordon based on: "the select format," the "data relating to the individual

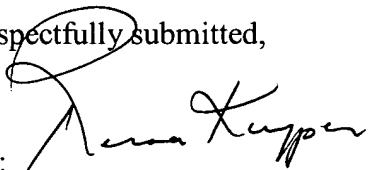
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callers," "isolating a subset of callers" and "further processing ... with respect to the isolated callers."

The distinctions treated above are clearly applicable to the dependant claims 30-40, as well as the process claims 41-45. In view of the present form of the claims and the above considerations, Examiner's reconsideration is respectfully requested.

Respectfully submitted,

Dated: 9/10/03

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